

**CALIFORNIA COASTAL COMMISSION**

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January 16, 2003

TO: Commissioners and Interested Persons

FROM: Charles Lester, District Director  
Jonathan Bishop, Coastal Program Analyst

SUBJECT: **CITY OF GROVER BEACH: LOCAL COASTAL PROGRAM  
MAJOR AMENDMENT NO. 1-02.** For public hearing and Commission action at its meeting of February 6, 2003, to be held at the Hyatt Regency Islandia Hotel & Marina – 1441 Quivira Road, San Diego, 92109

**SUMMARY OF STAFF REPORT****DESCRIPTION OF AMENDMENT REQUEST**

The City of Grover Beach is proposing to amend multiple sections of the Implementation portion of its Local Coastal Program to:

1. Provide standards, required findings, and add the use of "Live/Work Unit" to the C-I-C (Coastal Industrial Commercial) Zoning District (Sections 9125.15, 9125.16) to allow some business operators to live in the same structure where they do business. The types of businesses that may occupy a live/work unit are studios for artists, artisans, or craft makers, e-business start-ups, and similar, small scale professionals;
2. Modify the purpose statement for the C-C-V (Coastal Visitor Service) Zoning District (Section 9119.1) to provide more emphasis on the coastal and visitor aspects of the district;
3. Add a variety of visitor serving uses to the list of uses allowed in the C-C-V (Coastal Visitor Services) Zoning District (Sections 9119.2, 9119.3) to promote additional visitor-serving, recreational, and beach related services in the C-C-V district.

The standard of review for Implementation Plan amendments is that they must be consistent with, and adequate to carry out, the policies of the certified Coastal Land Use Plan.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission **approve** the proposed amendments as submitted by the City for the reasons given in this report. No major Coastal Act issues are identified.

## **SUMMARY OF ISSUES AND COMMENTS**

There are no known unresolved issues with the proposed amendments.

At the City hearings, the proposed amendment to include “Live/Work Units” in the C-I-C Zoning District elicited support from the Northwest Grover Beach Neighborhood Alliance.

## **ADDITIONAL INFORMATION**

For further information about this report or the amendment process, please contact Jonathan Bishop or Rick Hyman, Coastal Commission, 725 Front Street, Suite 300, Santa Cruz, CA 95060; Tel. (831) 427-4863.

## **ATTACHMENTS**

Resolution Of Proposed Amendments  
Zoning District Map

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## **I. STAFF RECOMMENDATION**

### **MOTION AND RESOLUTION**

#### **APPROVAL OF IMPLEMENTATION PLAN AMENDMENT #1-02 AS SUBMITTED**

#### **MOTION:**

I move that the Commission reject Major Amendment #1-02 to the City of Grover Beach Local Coastal Program Implementation Plan as submitted by the City.

Staff recommends a **NO** vote, which would result in approval of this amendment as submitted. Only an affirmative (yes) vote on the motion by a majority of the Commissioners present can result in rejection of the amendment.

#### **RESOLUTION:**

The Commission hereby certifies Major Amendment #1-02 to the Implementation Plan of the City of Grover Beach LCP, for the specific reasons discussed in the following findings, on the grounds that, the amendment conforms with and is adequate to carry out the certified Land use Plan; and approval of the amendment will not cause significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

## **II. RECOMMENDED FINDINGS**

### **A. CONFORMANCE OF IMPLEMENTATION PLAN AMENDMENTS WITH THE LAND USE PLAN**

The Commission finds and declares for the following three parts of Major Amendment # 1-02:

#### **1. Amendments of Implementation Plan to provide standards, required findings, and add “Live/Work Unit” to the list of uses in the Accessory Use category of the C-I-C (Coastal Industrial Commercial) Zoning District.**

The proposed addition of Sections 9125.15 and 9125.16 of the Municipal Code provide the standards and required findings for approval of a new or reuse of an existing structure as a “live/work unit” in the C-I-C Zoning District. The proposed addition adds “live/work unit” to the list of uses in Table 2 of the Accessory Use category of the C-I-C district. The C-I-C zone encompasses a small strip of land to the east of Highway One and parallels the Southern Pacific Railroad tracks. It is almost entirely developed and only a few scattered lots remain vacant. The Land Use Plan designation for this area is Industrial, which allows both industrial and residential development. The C-I-C district is zoned for both industrial and residential uses. According to the City, live/work units are intended to be occupied by business operators that live in the same structure where they do business. The types of businesses that may occupy a live/work unit are studios for artists, artisans, or craft makers, e-business start-ups, and similar, small scale professionals.

#### **Visual Resources**

The C-I-C zoning area is located east of the City’s major railroad easement, and is described in the LUP as an area of poor visual quality and “transitional” in character. The C-I-C district is described in the LUP as an area of low visual quality, although highly visible from Highway One. LUP Visual Resource Policy 4 for this area states: “where feasible visually degraded areas shall be enhanced.”

Allowing “live/work units” in the C-I-C Zoning district may enhance the visual resources of this somewhat blighted area. It is quite possible that this proposed amendment will precipitate improvements to the visual qualities of the commercial/industrial zone. As more people move into this zone to live and work, it is anticipated that the overall appearance and visual qualities of the area will be enhanced. Livable neighborhoods and commercial businesses benefit from visually appealing structures and surroundings. Accordingly, these units must meet various criteria such as, the use of creative signs and directories, restricted loading areas, and material storage requirements to prevent adverse visual impacts to adjacent commercial operations. Additional development criteria must also be met if the proposed live/work unit is located in areas viewed or oriented towards the public right-of-way. Therefore, the proposed amendment is consistent with and will carry out the LUP visual resource policies for the C-I-C zoning area.

#### **Cumulative Impacts**

There are no specific LUP Policies that address the cumulative impacts of future residential development in the C-I-C zone. Only briefly does the LUP describe the character and purpose of the C-I-C zone. LUP policies and implementing actions should be crafted so that commercial/industrial endeavors in the coastal zone are maintained. In short, the LUP describes this zone as “an area of light industry and assembly that maintains an environment

free from offensive of objectionable noise, dust, odor, or other nuisances...Efforts will be made to prevent large industrial developments and heavy industrial uses adjacent to residences.” Thus, changes to the Implementation Plan of the LCP must be consistent and able to carry out the policies of the LUP. In this case, it is important to ensure the C-I-C zone maintains its intended purpose within the City’s coastal zone.

Over time it can be expected that the overall density of live/work units in the C-I-C zone will increase. Due to concerns that the new amendment could potentially limit availability of land for coastal industrial development, use permits for a live/work unit may only be approved if the finding is made that the use will not result in an over-concentration of residential units in the C-I-C (Sec. 9125.16). The new ordinance language does not prevent live/work units, but rather sets special development standards for any proposed live/work unit in the C-I-C zone. The development standards included in this amendment prohibit the residential use area of live/work units to exceed the area used solely for commercial-industrial endeavors. In this district the residential use area of live/work units shall not exceed 50 percent of the total live/work unit. Thus, the proposed amendment will not limit or displace future industrial development in this district. The primary intent of this zoning district is retained and remains consistent with the LUP.

The live/work unit standards are not crucial for mitigating any adverse resource impacts. The addition of uses, and the associated development standards proposed for live/work units in the C-I-C zone in effect are consistent with Land Use Plan policies. Thus, the proposed amendment is approved because the Implementation Plan as amended remains consistent with the certified Land Use Plan.

## **2. Amendment to the Implementation Plan that modifies the purpose statement for the C-C-V (Coastal Visitor Service) to provide more emphasis on the coastal and visitor aspects of the district.**

According to the LUP, private commercial visitor-serving and recreational uses are given priority over private residential, general industrial and general commercial development on lands suitable for visitor-serving, beach-related commercial uses. LUP Public Access and Recreation Policy 5.7(f)(1a) ensures that visitors to the Pismo State Beach are provided with easily accessible, private commercial services, particularly those relating to provision of food and lodging in any new development in the C-C-V (Coastal Visitor Serving).

This proposed amendment to Section 9119.1 of the Municipal Code modifies the language of the purpose statement for the C-C-V zoning district by placing more emphasis on the coastal and visitor serving aspects of the district. A comparison of the existing purpose statement and the newly proposed text is as follows:

**Existing:** *The intent of this District is to provide for visitor oriented or serving uses with sufficient architectural and landscaping controls to protect the amenities of the area.*

**Proposed:** *The C-C-V district is in a unique location near the beachfront and entrance to Pismo Dunes State Park, and is a transitional area to the Grand Avenue downtown area to the east. It is intended to create a pedestrian oriented commercial district that encourages visitor services and activities. The uses in this district are provided to encourage an attractive area*

*that provides convenience goods and services that support visitor needs related to beach activities and surrounding neighborhood areas.*

Undoubtedly, the proposed text of Section 9119.1 clarifies the coastal visitor serving purpose of this zoning district. By discussing the C-C-V's unique geographical position relative to the surrounding dune environment and by highlighting the need for beach related services, the result is the retention of the visitor-serving nature and intent of the LUP policies for the C-C-V zoning district. Thus, the proposed amendment is approved because the Implementation Plan as amended remains consistent with the certified Land Use Plan.

### **3. Amendment to the Implementation Plan that adds a variety of visitor serving uses to the list of uses in the C-C-V (Coastal Visitor Services) Zoning District.**

#### **Private Visitor-serving and Recreational Facilities**

As mentioned above, LUP Public Access and Recreation Policy 5.7(f)(1a) ensures that visitors to the Pismo State Beach are provided with easily accessible, private commercial services, particularly those relating to provision of food and lodging in any new development in the C-C-V. This means the area along Grand Avenue east of the railroad tracks should provide for such beach related, visitor oriented commercial business.

The proposed amendment to Sections 9119.2, 9119.3 adds a variety of commercial visitor serving uses to the list contained in the C-C-V zoning district. All of the uses to be added, such as Coffee Shops and Beach Vehicle Rentals for example, would allow a greater variety of visitor serving uses than currently would be allowed. Also, the level of permit processing required for some visitor serving uses is simplified so that the Community Development Director can more easily approve development.

The submitted amendment proposes to add the following uses to Table 1:

#### Uses Permitted (identified with a "P") Within Commercial Districts:

- Antique Stores
- Coffee shops
- Convenience stores
- Craft studios
- General retail
- Meat and fish markets
- News stands
- Refreshment stands
- Wine tasting facilities

#### Conditionally Permitted Uses (identified with a "UP" or an "AUP") Within Commercial Districts:

- Vehicle rental (including beach vehicles)
- Sports equipment
- Taxicabs

The C-C-V district lies along a three-block section of Grand Avenue, extending one-half to one block on either side of Grand Avenue just inland from the highway. Certain uses are not permitted if the entrance fronts on Grand Avenue or is within 20 feet of the Grand Avenue property line. Currently, these uses include, for example, paint and wallpaper shops, copying

and duplicating services, insurance offices, mortgage brokers, medical offices, and bookkeeping offices. Certain other uses may be permitted with a Use Permit if they front on Grand Avenue or are within 20 feet of the Grand Avenue property line. These include, for example, laundry and cleaning/pressing agencies, computer software sales, and animal grooming salons. Finally, certain uses that front on Grand Avenue are permitted without a use permit. These include, for example, pharmacies, real estate offices, cafes, barber and beauty shops, fur shops, gift shops, and hotels and motels.

### **Public Access and Visitor-Serving Recreation**

LUP Public Access and Recreation policies for Private Visitor-Serving and Recreational Facilities ensure that private commercial visitor-serving and recreational uses are given priority over other development types. Specifically, Policy 1(a) “ensures that visitors to the Pismo State Beach are provided with easily accessible, private commercial services, particularly those relating to provision of food and lodging in any new development in the Coastal Visitor Services area along Grand Avenue east of the railroad tracks.”

According to Table 1 of the current Implementation Plan, the C-C-V district has a potential of about 115 different uses, including uses that can be characterized as visitor serving, such as cafes, barber and beauty shops, beach equipment rental, camera shops, visitor serving retail uses, hotels and motels, and private recreational centers. All of the additional uses to be added to the Implementation Plan of the LCP are related to visitor-serving and recreational services. The addition of the above listed uses means that coastal visitor oriented uses in this district will be more strongly encouraged. These additions provide the opportunity to meet the policy directives contained in the LUP while encouraging visitor-serving development related to coastal related activities. Thus, the amendment is consistent with the policies of the LUP's Public Access and Recreation Component.

### **Permit Processing**

Finally, the required level of permit processing for these newly added uses must be evaluated. The proposed amendment revises the permitting process for certain land uses in this zone by giving the Director of Community Development more discretion to determine the appropriate level of review. For example, the purpose of an Administrative Use Permit (AUP) is to enable public review of land use proposals that are not of sufficient magnitude to warrant Planning Commission review. The AUP process includes a public hearing before the Director of Community Development who can announce the decision on the project immediately after the conclusion of public testimony. In general, this means that some public hearing requirements may be deleted as a result of the modified review process. As mentioned in the City's application, “the purpose of this amendment is to streamline the development review process where appropriate and more strongly encourage coastal visitor oriented uses in this district.”

The C-C-V zoning district lies entirely outside of the Commission's appeal jurisdiction. Due to the fact that development within the C-C-V is not subject to appeal by the Commission, the proposed amendment does not compromise the public's ability to hear an appealable development proposal, nor does it compromise the Commission's ability to review a coastal development permit for conformance with the certified LCP and Coastal Act.

## **B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The Coastal Commission's review and development process for LCP's and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The City in this case drafted a Negative Declaration for the proposed amendments under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has not recommended any modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Land Use Plan findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives, nor feasible mitigation measures available, which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).